

Application No. 09/975,102
Office Action dated 7/7/04

REMARKS

Claims 1 – 17 are pending in the present application. Claims 1-17 stand rejected under 35 USC 103(a) as being unpatentable principally over U.S. Patent No. 6,047,195 to Nakanishi (hereinafter “Nakanishi”) in view of U.S. Patent No. 6,094,587 to Armanto et al. (hereinafter “Armanto”).

As noted above, the pending Office Action was made final. It is the intention of this Amendment in accordance with 37 CFR § 1.116 to place the application in condition for reconsideration or appeal. To this end, Claim 1 has been amended to positively set forth the disposition of the first and second speakers. In combination with the selected sound setting, it is this disposition of the speakers that provides for outputting of a stereophonic sound from the subject phone. Neither the structure nor function of the Applicant’s claimed invention are taught, disclosed or suggested in the cited references taken alone or in combination.

As indicated in the Office Action, Nakanishi discloses a phone with first and second speakers. Nakanishi teaches a telephone device that may be used indoors with a home base station as a portable telephone, and outside with a public (cellular) base station as a cellular phone. Nakanishi’s telephone device includes a receiving speaker 20 and a calling speaker 22. As disclosed, the receiving speaker 20 outputs a voice (from a calling party) whereas calling sound speaker 22 outputs a ringer sound until the device is “off-hook”. Further, Nakanishi discloses that when the device is used with the home base station (e.g., indoors), the calling sound speaker 22 is set to output a loud ringer since the user is often separated from the phone during indoor use, whereas the receiving speaker 20 is set to output a small (i.e., low volume) voice signal since it is often relatively quiet with little background noise and easier to hear the calling party. When the device is used with the public base station, the converse of the foregoing is true such that the calling sound speaker 22 outputs a small (i.e., low volume) ringer since the

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phone is often carried on one's person, whereas the receiving speaker 20 outputs a loud voice signal to more clearly hear the calling party since background noise is typically prevalent.

Although it is commonsense for Nakanishi's receiving speaker 20 to be adapted to be proximate a user's ear, Nakanishi is silent with respect to the relative orientation of the speakers 20, 22. Page 3 of the Office Action states that column 3, lines 45-50; column 4, lines 28-30; and Figure 1 of Nakanishi disclose a spacing of the speakers 20, 22 and implementing a stereophonic effect therefrom. The Applicant respectfully disagrees with the foregoing and would like to point out that column 3, lines 45-50 discloses a relationship between the amplifiers 19, 21 and speakers 20, 22 respectively; column 4 lines 28-30 discloses outputting of a calling sound (i.e., ringer) from the speaker 22 and amplifier 21 until the device is off-hook; and Figure 1 is a block diagram and does not show the orientation of the speakers 20, 22.

Further, the Applicant would like to point out that Nakanishi discloses that the speakers 20, 22 have specific functions, that is, the receiving speaker 20 outputs received speech and the calling sound speaker 22 outputs a calling sound (ringer). Thus, Nakanishi does not teach, disclose or suggest that the speakers 20, 22 cooperate in a functional manner as Applicant's speakers so as to implement a stereophonic output of a sound such as a ring tone or stored music.

The Office Action relies on Armanto to cure Nakanishi's deficiency of a memory. While Armanto discloses a memory for a ringing tone, it does not teach, disclose or suggest a second speaker nor does it teach, disclose or suggest output of a stereophonic sound relative to first and second speakers with a spaced apart orientation. Thus, independent claim 1 is believed to be allowable as currently amended and unobvious in view of the combination of Nakanishi and Armanto. The remaining claims 2-17 that depend from claim 1, which are also rejected in view

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of the foregoing combination of Nakanishi and Armanto further in view of the cited Corkum and Barber references, are also believed to be allowable.

The cited references taken alone or combination do not teach, disclose or suggest a cellular phone as the Applicant now claims. The Applicant now believes the application to be in good and proper form for reconsideration and allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,



David R. Morris, Reg. No. 53,348
MICHAEL BEST & FRIEDRICH, LLP
401 North Michigan Avenue
Suite 1900
Chicago, Illinois 60611
(312) 222-0800 (telephone)
(312) 222-0818 (facsimile)

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